

**Existing Section 3000 is amended to read:**

**3000. Definitions.**

Chronological History means a CDC Form 112 (Rev. 9/83), Chronological History, prepared for each inmate, upon which significant dates and commitment information affecting the inmate are logged.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code; Section 10115.3(b), Public Contract Code; and Section 4526, Government Code. Reference: Sections 186.22, 243, 530, 532, 646.9, 653m, 832.5, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 4570, 5009, 5068, 5054, and 7000 et seq., Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3, and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; *In re Bittaker*, 55 Ca.App. 4th 1004, 64 Cal.Rptr. 2d 679; and Section 11007, Health and Safety Code.

**Section 3011 is amended to read:**

**3011. State Property.**

Inmates shall not intentionally destroy, damage, deface, alter or misuse state property. To do so shall be cause for disciplinary action and the inmate may be charged for the cost of repair or replacement. Intentional destruction of state property may result in a credit loss as specified in Section 3323(c)(4), 3323(d)(5), or 3323(g)(1) of these regulations. Intentional damage to state property in excess of four hundred dollars may result in criminal prosecution and an additional term of imprisonment in addition to any credit loss resulting from the disciplinary action. Intentional damage to state property valued at four hundred dollars or less may result in a misdemeanor conviction in addition to any credit loss resulting from the disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2932, 4600 and 5054, Penal Code.

**3062. Inmate Grooming Standards**

**Subsections (a) through (h)(1) are unchanged.**

**Section 3062 (h)(2) is amended to read:**

2) An exemption from shaving shall only be authorized by the institution's Health Care Manager or Chief Medical Officer and only when an exemption is deemed medically necessary by a physician. Such exemption shall not exceed one year. If the condition persists, another exemption request shall be submitted. Facial hair permitted by such an exemption, shall not exceed 1/4 inch in length.

**Section 3401.5 is added to read:**

**3401.5. Employee Sexual Misconduct**

(a) For the purposes of this section, sexual misconduct means any sexual behavior by a departmental employee, volunteer, agent or individual working on behalf of the Department of Corrections which involves or is directed toward an inmate or parolee. The legal concept of "consent" does not exist between departmental staff and inmates/parolees; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. Sexual misconduct includes, but is not limited to:

(1) Influencing or offering to influence an inmate's/parolee's safety, custody, housing, privileges, parole conditions or programming, or offering goods or services, in exchange for sexual favors; or

(2) Threatening an inmate's/parolee's safety, custody, housing, privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in sexual behavior; or

(3) Engaging in sexual act(s) or contact, including:

(A) Sexual intercourse; or

(B) Sodomy; or

(C) Oral Copulation; or

(D) Penetration of genital or anal openings by a foreign object, substance, instrument or device for

the purpose of sexual arousal, gratification, or manipulation; or

(E) Rubbing or touching of the breasts or sexual organs of another or of oneself, in the presence of and with knowledge of another, for the purpose of sexual arousal, gratification, or manipulation; or

(F) Invasion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, unduly familiar, or sexually threatening comments directed to, or within the hearing of, an inmate/parolee.

(b) Penalties. All allegations of sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/or criminal prosecution.

(c) Reporting Requirements. Any employee who observes, or who receives information from any source concerning sexual misconduct, shall immediately report the information or incident directly to the institution head, unit supervisor, or highest-ranking official on duty, who shall then immediately notify the Office of Internal Affairs. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to believe sexual misconduct has occurred may subject the employee who failed to report it to disciplinary action.

(d) The alleged victim of a sexual offense shall be informed, in accordance with PC 293.5, that his or her name will become a matter of public record unless a specific request is made to prevent this, pursuant to Section 6254 of the Government Code; his or her response to this information shall be noted in the written report.

(e) Retaliation Against Employees. Retaliatory measures against employees who report incidents of sexual misconduct shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, unwarranted denials of promotions, merit salary increases, training opportunities, or requested transfers; involuntary transfer to another location/position as a means of punishment; or unsubstantiated poor performance reports.

(f) Retaliation Against Inmates/Parolees. Retaliatory measures against inmates/parolees who report incidents of sexual misconduct shall not be tolerated and shall result in disciplinary action

and/or criminal prosecution. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate/parolee from reporting sexual misconduct.

(g) Reporting Sexual Misconduct. Inmates/parolees who report sexual misconduct may request that their identity be kept confidential.

Note: Authority cited: Section 5058, Penal Code.  
Reference: Sections 289.6, 293.5, and 5054, Penal Code. Section 6254, Government Code.

#### **Existing Section 3075.1 is amended to read:**

##### **3075.1. Intake Processing.**

(a) A CDC Form 188-L (Rev. 3/89), Cumulative Case Summary, shall be prepared for each inmate committed to the department and shall include:

(1) CDC Form 188, Legal Status Summary.

(2) CDC Form 112 (Rev. 9/83), Chronological History.

**Subsections 3075.1(a)(3) through 3075.1(c) are unchanged.**

**Existing Subsection 3075.1(d) is amended to read:**

(d) Casework information and documents important to the placement and supervision of the inmate shall include:

(1) CDC Form 127 (Rev. 5/00), Notification in Case of Inmate Death, Serious Injury, or Serious Illness.

(2) CDC Form 128-O (8/92), Document Receipt.

(3) CDC Form 345 (Rev. 5/95), Authorization for the Director to Maintain Trust Account.

**Subsections 3075.1(e) through 3075.1(j) are unchanged.**

NOTE: Authority cited: Section 5058, Penal Code.  
Reference: Sections 1203.01, 1203.03, 2930, 3002, 5054, and 5068, Penal Code.

**Existing Section 3357 is amended to read:**

**3357. Inmate Deaths.**

(a) The institution head shall maintain a valid service agreement with local mortuaries to provide services such as cremation, transportation, and/or other services related to the disposition of a deceased inmate's body.

(b) When an inmate's death occurs away from an institution/facility, the body of the deceased shall, unless the county coroner orders otherwise, be released to a licensed funeral director in the community where the death occurred.

(c) If the deceased is known to have had a communicable disease which presents a threat to the public health and safety, health care staff shall notify the mortuary and public agencies as required by California Code of Regulations, Title 17, Section 2500, and Health and Safety Code Sections 1797.188 and 1797.189.

(d) A chaplain of the decedent's professed faith may perform a ceremony in accordance with that faith.

(e) Staff shall review the decedent's central file and locate the current CDC Form 127 (Rev. 05/00), Notification in Case of Inmate Death, Serious Injury, or Serious Illness to identify the inmate's next of kin or person(s) to be notified, and to determine the existence of a will.

(f) Staff shall attempt to notify individual(s) listed on the CDC Form 127 as the person(s) to be notified of the death, in person, or, if personal contact is not practical, by telephone. Staff shall send a telegram notification to the next of kin, person(s) to be notified as listed on the CDC Form 127, and/or legally appointed representative, offering consolation, which shall include:

(1) The name and address of the funeral director to whom the body has been or will be released;

(2) A request for instructions on disposition of the body at the family's or designee's expense, within 48 hours, to preclude disposition by the state; and

(3) The name and telephone number of a staff member who may be contacted for additional information.

(g) If after 10 days the next of kin or legally appointed representative fails to claim or direct disposition of the decedent's body, or notifies the department within ten days that he or she does not assume responsibility for burial without expense to the state, the decedent shall be considered unclaimed. If the body is unclaimed, the institution/facility shall make arrangements for use of state materials or services as necessary in accordance with Penal Code Section 5061. All money and personal property shall be inventoried and released in accordance with Penal Code 5061, upon direction from the Associate Warden of Business Services or other staff designated by the institution head.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2082, 5021, 5022, 5054 and 5061, Penal Code; sections 1797.188, 1797.189, 7104, 7200, 7201, and 7302, Health and Safety Code; and sections 12525, 27491, 27491.2 and 27491.3, Government Code.